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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,112	03/05/2001	Christopher James Nason	747/9-1538	2750

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EXAMINER

DUONG, THOMAS

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,112

Applicant(s)

NASON ET AL.

Examiner

Thomas Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 22-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. (US2001/0026545A1) and in view of Thorton et al. (US006363065B1).
3. With regard to claim 22, Matsumoto discloses,
 - *generating a message to be exchanged between said IP phone and said PBX;*
(Matsumoto, pg.6, para.58-59)

Matsumoto teaches of a *"PBX 40 and the IP phone device 50 are connected physically through the network-gateway device 30, and thus a signal transmitted from the PBX 40 ... is relayed by the network-gateway device 30, and is received by the IP phone 50"* (Matsumoto, pg.6, para.59).
 - *transmitting the encapsulated message.* (Matsumoto, pg.6, para.58-59)

Matsumoto teaches of a *"PBX 40 and the IP phone device 50 are connected physically through the network-gateway device 30, and thus a signal transmitted from the PBX 40 ... is relayed by the network-gateway device 30, and is received by the IP phone 50"* (Matsumoto, pg.6, para.59).

However, Matsumoto does not explicitly disclose,

- *encapsulating said message with a Protocol Header and an IP Message body, wherein the Protocol Header includes an indication of Protocol Type for denoting whether the message is an IP message or an encapsulated non-IP message, a Device Number for denoting by means of MAC (Media Access Control) an address within said PBX to which said message is to be transmitted or from which said message is to be received, and Message Type for identifying the type of message contained in the IP Message Body; and,*

Thorton teaches,

- *encapsulating said message with a Protocol Header and an IP Message body, wherein the Protocol Header includes an indication of Protocol Type for denoting whether the message is an IP message or an encapsulated non-IP message, a Device Number for denoting by means of MAC (Media Access Control) an address within said PBX to which said message is to be transmitted or from which said message is to be received, and Message Type for identifying the type of message contained in the IP Message Body; and, (Thorton, col.14, line 35 – col.15, line 7; col.23, lines 5-31)*

Thorton teaches “*upon receipt of each of these packets for any one channel, assembles these packets for that channel into proper IP packets with necessary IP headers, including originating and destination IP addresses as well as other required information, and transmits these packets*” (Thorton, col.14, lines 38-43).

Hence, Thorton teaches of encapsulating data into IP packets with the appropriate headers, source and destination addresses, and type. Furthermore, Matsumoto teaches “*the IP phone 50 requests the network-gatekeeper device 60*

to register the IP phone 50 in the PBX 40 by transmitting an IP-terminal-location-registration-request message including its extension and its IP address"

(Matsumoto, pg.6, para.61). Hence, Matsumoto implies that there are different types of messages communicating between the PBX and the IP phone according to their "message type". In addition, there is a "device number" for each particular IP phone and that "device number" is maintained via a mapping in the PBX.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Thorton with the teachings of Matsumoto to enable a *"VOIP structure that warrants widespread adoption and substantial cost savings that could well accrue from its use"* (Thorton, col.4, lines 30-32).

4. With regard to claims 23-26, Matsumoto and Thorton disclose,

- *wherein said message is a Device Registration Request, and further comprising transmitting the Device Registration request from said IP Phone to said PBX responsive to one of either a power-up or a resetting of said IP phone.*

(Matsumoto, pg.6, para.61-62, pg.8, para.71; Thorton, col.16, line 60 – col.17, line 28; col.18, lines 39-47; col.42, lines 26-52)

- *further comprising generating, encapsulating and transmitting a Device registration request Acknowledgement message from said PBX to said IP phone.*

(Matsumoto, pg.6, para.61-62, pg.8, para.71; Thorton, col.16, line 60 – col.17, line 28; col.18, lines 39-47; col.42, lines 26-52)

- *further comprising generating, encapsulating and transmitting a Device De-Registration Request message from said IP phone to said PBX. (Matsumoto, pg.6, para.61-62, pg.8, para.71; Thorton, col.16, line 60 – col.17, line 28; col.18, lines 39-47; col.42, lines 26-52)*
 - *further comprising generating, encapsulating and transmitting a Device De-Registration Acknowledgement message from said PBX to said IP phone. (Matsumoto, pg.6, para.61-62, pg.8, para.71; Thorton, col.16, line 60 – col.17, line 28; col.18, lines 39-47; col.42, lines 26-52)*
5. With regard to claims 27-28, Matsumoto and Thorton disclose,
- *Wherein said message is a Device ICMP Echo (ping) request, and further comprising transmitting the Device ICMP Echo (ping) request from said PBX to said IP Phone for testing for the presence of said IP phone. (Thorton, col.26, lines 4-55)*
 - *Further comprising generating, encapsulating and transmitting a device ICMP Echo (Ping) results message from said IP phone to the PBX. (Thorton, col.26, lines 4-55)*
6. With regard to claims 29-38, Matsumoto and Thorton disclose,
- *further comprising generating encapsulating and transmitting a device tone generation request message from said PBX to said IP phone responsive to registration of said IP phone with said PBX and said IP phone going off-hook. (Matsumoto, pg.1, para.5, para.10-11, pg.6, para.61-62, pg.8, para.71; Thorton, col.16, line 60 – col.17, line 28; col.18, lines 39-47; col.42, lines 26-52)*

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- *further comprising generating encapsulating and transmitting a Remove Tone device generation request message from said PBX to said IP phone.*
(Matsumoto, pg.1, para.5, para.10-11, pg.6, para.61-62, pg.8, para.71; Thorton, col.16, line 60 – col.17, line 28; col.18, lines 39-47; col.42, lines 26-52)
 - *further comprising generating encapsulating and transmitting an Open Receive Stream Request from said PBX to said IP phone for establishing an audio path from said PBX to said IP phone.* (Matsumoto, pg.1, para.5, para.10-11, pg.6, para.61-62, pg.8, para.71; Thorton, col.16, line 60 – col.17, line 28; col.18, lines 39-47; col.42, lines 26-52)
 - *further comprising generating encapsulating and transmitting an Open Receive Stream Acknowledgement from said IP phone to said PBX.* (Matsumoto, pg.1, para.5, para.10-11, pg.6, para.61-62, pg.8, para.71; Thorton, col.16, line 60 – col.17, line 28; col.18, lines 39-47; col.42, lines 26-52)
7. With regard to claims 39-41, Matsumoto and Thorton disclose,
- *Wherein said message is a Device IP address update request message, and further comprising transmitting the Device IP address request from said PBX to said IP phone for initiating update of any change in IP address of said IP phone.*
(Matsumoto, pg.2, para.15, pg.3, para.22-25)
 - *further comprising generating encapsulating and transmitting a Device IP address update acknowledgement from the IP phone to said PBX.* (Matsumoto, pg.2, para.15, pg.3, para.22-25)
 - *wherein said message is a legacy call control message.* (Matsumoto, pg.2, para.15, pg.3, para.22-25)

Response to Arguments

8. Applicant's arguments with respect to *claims 22-41* have been considered but they are moot in view of the new grounds of rejection.

Conclusion

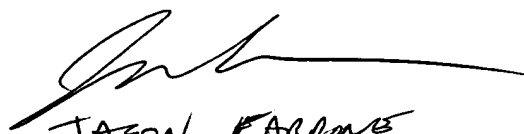
9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571/272-6159. The fax phone numbers for the organization

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where this application or proceeding is assigned are 703/872-9306 for regular communications and 703/872-9306 for After Final communications.

Thomas Duong (AU2145)

August 22, 2005



JASON EARLS
Primary Examiner 2145